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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.       | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------------|------------------|
| 10/518,451  | 12/20/2004  | Hyo-Young Bac        | 1455-045907               | 8406             |
| 7590<br>Kent E Baldauf<br>700 Koppers Building<br>436 Seventh Avenue<br>Pittsburgh, PA 15219-1818 |             | 04/02/2007           | EXAMINER<br>BUI, LUAN KIM |                  |
|   |             |                      | ART UNIT<br>3728          | PAPER NUMBER     |
| SHORTENED STATUTORY PERIOD OF RESPONSE  |             | MAIL DATE            |                           | DELIVERY MODE    |
| 3 MONTHS  |             | 04/02/2007           |                           | PAPER            |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/518,451

Applicant(s)

BAE ET AL.

Examiner

Luan K. Bui

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 1-7 and 26-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-20, 23 and 25 is/are rejected.
- 7) ☒ Claim(s) 21, 22 and 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/24/05</u> . | 6) <input type="checkbox"/> Other: _____  |

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1. Applicant's election of Group II, Figures 6a-16 and claims 8-25 in the reply filed on 3/14/2007 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

*Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8, 9, 15, 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over The Related Prior Art as shown in Figure 1 and pages 1-3 of the specification of the instant Patent Application (hereinafter The Related Prior Art) in view of either Ellerbrock (4,289,265) or Carpenter (2,640,524). The Related Prior Art a welding wire container (100) comprising an outer shell (110), a base plate (120) for closing a lower end of the outer shell, a lid (150) for covering the outer shell, a fitting projection (132) arranged in a lower inner portion of the outer shell and having a diameter smaller than the base plate for catching and supporting the base plate thereon and other claimed limitations except for a lower fixture comprises a flange extending along a lower edge of the outer shell and a supporting face extending along a lower outer periphery of the outer shell for wrapping the lower of the outer shell.

Ellerbrock teaches a container comprising an outer shell (2) and a lower fixture (6, 34-40) for wrapping a lower end of the outer shell and the lower fixture having a flange (6a) extending

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along a lower edge of the outer shell and a supporting face (6b) folded from the flange and extending along a lower outer periphery of the outer shell. Carpenter shows a container comprising an outer shell (20) and a lower fixture (25-30) for wrapping a lower end of the outer shell and the lower fixture having a flange (27) extending along a lower edge of the outer shell and a supporting face (next to a bead portion 26) folded from the flange and extending along a lower outer periphery of the outer shell (Figures 1-9). It would have been obvious to one having ordinary skill in the art at the time the invention was made in view of either Ellerbrock or Carpenter to modify the container of The Related Prior Art so it includes a lower fixture comprises a flange extending along a lower edge of the outer shell and a supporting face extending along a lower outer periphery of the outer shell for wrapping the lower of the outer shell to provide an additional strength and rigidity to the container.

As to claim 15, The Related Prior Art further discloses an upper protrusion (130a) enlarged in diameter beyond the outer shell and the upper protrusion includes a groove (no numeral), and an upper fixture (160) for fixing and wrapping the lid at an upper end of the outer shell. The upper fixture comprises a flange (top surface) extending inward along an outer edge of the lid, a supporting face (side surface) folded from the flange and extending along an outer periphery of the upper protrusion and a bottom edge (no numeral) having a diameter smaller than the upper protrusion for engaging the groove in the upper protrusion. However, The Related Prior Art fails to show a groove in lieu of the bottom edge, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the upper fixture of The Related Prior Art so the upper fixture comprises a folded groove similar to the groove in the upper protrusion for better securing the upper fixture to the upper protrusion.

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As to claims 23 and 25, Carpenter shows the lower fixture comprises clamping means (25).

4. Claims 10-14 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 8 above, and further in view of Harrison (2,568,284) or Bergstrom (2,819,007). The container of The Related Prior Art as modified further fails to show the fitting projection includes a folded portion which being overlapped to have an outside diameter substantially identical with the inside diameter of the lower end of the outer shell or a ring member as in claim 11.

Harrison shows a container comprising an outer shell (18) and a fitting projection (Figure 4) arranged in a lower inner portion of the outer shell and the fitting projection defines by a folded portion which is overlapped the outer shell and the folded portion having an outside diameter substantially identical with an inside diameter of the lower end of the outer shell. Bergstrom suggests a container comprising an outer shell (1) and a fitting projection arranged in a lower inner portion of the outer shell and the fitting projection defines by a ring member (4) having an outside diameter which is considered equivalent to substantially identical with the inside diameter of the lower end of the outer shell (Figures 1-2). It would have been obvious to one having ordinary skill in the art in view of Harrison or Bergstrom to modify the container of The Related Prior Art as modified so the fitting projection comprises a folded portion as claimed in claims 9-13 for supporting the base plate and because the selection of the specific fitting projection such as the fitting projection as claimed or as taught by The Related Prior Art or Harrison or Bergstrom would have been an obvious matter of design choice of art recognized equivalent fitting projection inasmuch as a number of different ones appear to be suitable and

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inasmuch as applicant's specification does not state that using these specific features as claimed solves any particular problem or yields any unexpected results.

As to claim 14, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the base plate and the lower fixture of The Related Prior Art as modified so the base plate and the lower fixture are made from paper material similar to the outer shell to facilitate recycling and since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

As to claim 19, The Related Prior Art fails to show the upper end of the inner shell being folded inward, it would have been obvious to one having ordinary skill in the art in view of Harrison to modify the inner shell of The Related Prior Art as modified so the upper end of the inner shell is folded inward to provide an additional strength and rigidity to the inner shell.

As to claim 20, Harrison shows an underlying circular backing member (24).

5. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 8 above, and further in view of Watson (6,047,846). The container of The Related Prior Art as modified further fails to show the outer shell includes an outer protrusion. Watson shows a container (10) comprising an outer shell (14) having an outer protrusion (20, 22) with a diameter larger than the diameter of the outer shell. It would have been obvious to one having ordinary skill in the art in view of Watson to modify the container of The Related Prior Art as modified so the outer shell includes an outer protrusion disposed

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adjacent to a lower end of an upper fixture to provide an additional strength and rigidity to the container.

*Allowable Subject Matter*

6. Claims 21, 22 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is 571-272-4552. The examiner can normally be reached on 8:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

lkb  
March 29, 2007



Luan K. Bui  
Primary Examiner  
Art Unit 3728